

1 A bill to be entitled
2 An act relating to beach management; amending s.
3 161.101, F.S.; requiring the Department of
4 Environmental Protection to review certain data when
5 designating certain beaches as critically eroded and
6 in need of restoration and nourishment; requiring that
7 certain beaches, whose local government preserved
8 funds for a certain purpose and which possess
9 specified features, be designated as critically
10 eroded; authorizing the secretary of the department to
11 require coastal local governments to develop a local
12 strategic beach management plan; requiring that such
13 plans include an analysis of certain information;
14 making a technical change; amending s. 161.161, F.S.;
15 conforming a provision to changes made by the act;
16 amending s. 380.05, F.S.; revising the list of areas
17 that may receive designation as an area of critical
18 state concern; reenacting s. 380.045(1), (3), and (5),
19 F.S., relating to resource planning and management
20 committees and objectives and procedures, to
21 incorporate the amendment made to s. 380.05, F.S., in
22 references thereto; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:
25

26 **Section 1. Subsections (1) and (2) of section 161.101,**
27 **Florida Statutes, are amended to read:**

28 161.101 State and local participation in authorized
29 projects and studies relating to beach management and erosion
30 control.—

31 (1) (a) The Legislature recognizes that beach erosion is a
32 statewide problem that does not confine its effects to local
33 governmental jurisdictions and that beach erosion can be
34 adequately addressed most efficiently by a state-initiated
35 program of beach restoration and beach nourishment. However,
36 since local beach communities derive the primary benefits from
37 the presence of adequate beaches, a program of beach restoration
38 and beach nourishment should not be accomplished without a
39 commitment of local funds to combat the problem of beach
40 erosion.

41 (b) Accordingly, the Legislature declares that the state,
42 through the department, shall determine those beaches which are
43 critically eroded and in need of restoration and nourishment and
44 may authorize appropriations to pay up to 75 percent of the
45 actual costs for restoring and nourishing a critically eroded
46 beach. The local government in which such a beach is located is
47 responsible for the balance of such costs. In designating
48 beaches as critically eroded, the department shall review data
49 related to beaches that have been preemptively and repeatedly
50 repaired to avoid complete erosion and for which private

51 funding, local government funding, and state and federal grants
52 have been expended to stop or mitigate such erosion.

53 (c) If a local government with jurisdiction over a beach
54 that possesses all of the following features has a financial
55 plan that ensures the preservation of funding for inclusion in
56 the state strategic beach management plan, such beach must be
57 designated as critically eroded:

58 1. A perpetual easement that contains language stating
59 that the local government with jurisdiction over the beach must
60 assume maintenance responsibilities for shoreline parcels and
61 must develop and implement a design whereby shoreline retreat is
62 sufficiently managed to protect inland developments; and

63 2. Geological features of the dune, beach, and seabed
64 combined with insufficient spacing between the erosion control
65 line to upland assets, which results in repeated inland flooding
66 or structural damage ~~The local government in which the beach is~~
67 ~~located shall be responsible for the balance of such costs.~~

68 (2)(a) To carry out the beach and shore preservation
69 programs, the department is hereby constituted as the beach and
70 shore preservation authority for the state. In this capacity,
71 the secretary of the department may at his or her own initiative
72 take all necessary steps as soon as practicable and desirable to
73 implement the provisions of this chapter.

74 (b) The secretary of the department may, as he or she
75 deems necessary, require coastal local governments to develop

local strategic beach management plans. Local strategic beach management plans must include, but are not limited to, an identification of the most visited shoreline recreational facilities, university research centers, and shoreline protection areas and an analysis of all of the following:

1. Compound flooding near the county's beaches.
2. Assessed values of upland properties and developments.
3. Environmentally sensitive lands and waters.
4. Any recommendation from a certified coastal engineer or coastal engineering specialist.
5. Any recommendation from the United States Army Corps of Engineers.

Section 2. Paragraph (a) of subsection (2) of section 161.161, Florida Statutes, is amended to read:

161.161 Procedure for approval of projects.—

(2) The comprehensive long-term management plan developed and maintained by the department pursuant to subsection (1) must include, at a minimum, a strategic beach management plan, a critically eroded beaches report, and a statewide long-range budget plan. The long-range budget plan must include a 3-year work plan for beach restoration, beach nourishment, and inlet management projects that lists planned projects for each of the 3 fiscal years addressed in the work plan.

(a) The strategic beach management plan must identify and recommend appropriate measures for all of the state's critically

eroded sandy beaches and may incorporate plans prepared at the regional level, including plans developed pursuant to s. 161.101(2) (b), taking into account areas of greatest need and probable federal and local funding. Upon approval in accordance with this section, such ~~regional~~ plans, along with the 3-year work plan identified in subparagraph (c)1., must serve as the basis for state funding decisions. Before finalizing the strategic beach management plan, the department shall hold a public meeting in the region for which the plan is prepared or hold a publicly noticed webinar.

Section 3. Paragraph (a) of subsection (2) of section 380.05, Florida Statutes, is amended to read:

380.05 Areas of critical state concern.—

(2) An area of critical state concern may be designated only for:

(a) An area containing, or having a significant impact upon, environmental or natural resources of regional or statewide importance, including, but not limited to, state or federal parks; forests; wildlife refuges; wilderness areas; aquatic preserves; major rivers and estuaries; state environmentally endangered lands; Outstanding Florida Waters; low elevation sections immediately inland of the dune and beach which have been repeatedly breached or overtopped by seawater flowing into an interconnected stormwater system or which have been designated in a local emergency declaration for a prolonged

126 period; and aquifer recharge areas, the uncontrolled private or
127 public development of which would cause substantial
128 deterioration of such resources. Specific criteria which must
129 ~~shall~~ be considered in designating an area under this paragraph
130 include:

131 1. Whether the economic value of the area, as determined
132 by the type, variety, distribution, relative scarcity, and
133 condition of the environmental or natural resources within the
134 area, is of substantial regional or statewide importance.

135 2. Whether the ecological value of the area, as determined
136 by the physical and biological components of the environmental
137 system, is of substantial regional or statewide importance.

138 3. Whether the area is a designated critical habitat of
139 any state or federally designated threatened or endangered plant
140 or animal species.

141 4. Whether the area is inherently susceptible to
142 substantial development due to its geographic location or
143 natural aesthetics.

144 5. Whether any existing or planned substantial development
145 within the area will directly, significantly, and deleteriously
146 affect any ~~or all~~ of the environmental or natural resources of
147 the area which are of regional or statewide importance.

148 **Section 4. For the purpose of incorporating the amendment**
149 **made by this act to section 380.05, Florida Statutes, in**
150 **references thereto, subsections (1), (3), and (5) of section**

151 **380.045, Florida Statutes, are reenacted to read:**

152 380.045 Resource planning and management committees;
153 objectives; procedures.—

154 (1) Prior to recommending an area as an area of critical
155 state concern pursuant to s. 380.05, the Governor, acting as the
156 chief planning officer of the state, shall appoint a resource
157 planning and management committee for the area under study by
158 the state land planning agency. The objective of the committee
159 shall be to organize a voluntary, cooperative resource planning
160 and management program to resolve existing, and prevent future,
161 problems which may endanger those resources, facilities, and
162 areas described in s. 380.05(2) within the area under study by
163 the state land planning agency.

164 (3) Not later than 12 months after its appointment by the
165 Governor, the committee shall either adopt a proposed voluntary
166 resource planning and management program for the area under
167 study or recommend that a voluntary resource planning and
168 management program not be adopted. The proposed voluntary
169 resource planning and management program shall contain the
170 committee findings with respect to problems that endanger those
171 resources, facilities, and areas described in s. 380.05(2) and
172 shall contain detailed recommendations for state, regional, and
173 local governmental actions necessary to resolve current and
174 prevent future problems identified by the committee. A major
175 objective of the proposed voluntary resource planning and

176 management program shall be the effective coordination of state,
177 regional, and local planning; program implementation; and
178 regulatory activities for comprehensive resource management. The
179 committee shall submit the proposed voluntary resource planning
180 and management program to the head of the state land planning
181 agency, who shall transmit the program along with the
182 recommendations of the agency for monitoring and enforcing the
183 program, as well as any other recommendations deemed
184 appropriate, to the Administration Commission.

185 (5) The state land planning agency shall report to the
186 Administration Commission within 12 months of the approval of
187 the program by the commission concerning the implementation and
188 the effects of the approved voluntary resource planning and
189 management program. The report shall include, but shall not be
190 limited to:

191 (a) An assessment of state agency compliance with the
192 program, including the degree to which the program
193 recommendations have been integrated into agency planning,
194 program implementation, regulatory activities, and rules;

195 (b) An assessment of the compliance by each affected local
196 government with the program;

197 (c) An evaluation of state, regional, and local monitoring
198 and enforcement activities and recommendations for improving
199 such activities; and

200 (d) A recommendation as to whether or not all or any

201 portion of the study area should be designated an area of
202 critical state concern pursuant to s. 380.05.

203
204 The state land planning agency may make such other reports to
205 the commission as it deems necessary, including recommending
206 that all or any portion of the study area be designated an area
207 of critical state concern because of special circumstances in
208 the study area or in the implementation of the approved
209 voluntary resource planning and management program.

210 **Section 5.** This act shall take effect July 1, 2026.